

Date August 29, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2011, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner) represented by Heidi Wessels (officer) to rezone property located at 1938 Southeast 6th Street from Limited "C-1A" Neighborhood Commercial Reuse District to "NPC" Neighborhood Pedestrian Commercial District, to allow mixed use pedestrian commercial redevelopment subject to the following conditions:

1. Prohibition of the following uses:
 - a) billiard parlor/game room
 - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - c) financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity,
 - d) gas stations/convenience stores,
 - e) off-premises advertising signs,
 - f) package goods stores for the sale of alcoholic beverages, and
 - g) taverns and nightclubs,
 - h) tattoo parlor

2. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

The subject properties are more specifically described as follows:

Lot 3, South of Hillside Avenue, Sevastopol, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on September 12, 2011, at which time the City Council will hear both those who oppose and those who favor the proposal.


- Continue-

Date.....August 29, 2011.....

2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(ZON2011-00113)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

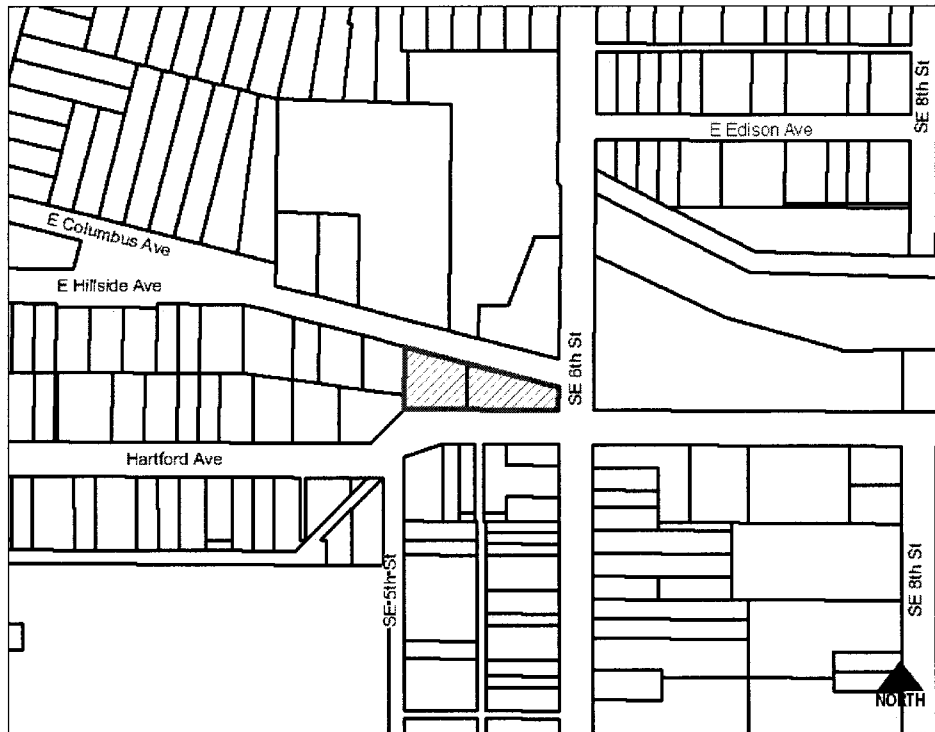
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

Request from Neighborhood Development Corporation (owner) represented by Heidi Wessels (officer) to rezone property located at 1938 Southeast 6th Street		File # ZON2011-00113		
Description of Action	Review and approval to rezone the property from "C-1A" Neighborhood Commercial Reuse District to "NPC" Neighborhood Pedestrian Commercial District, to allow mixed use pedestrian commercial redevelopment.			
2020 Community Character Plan	Commercial: Pedestrian-Oriented Neighborhood Node			
Horizon 2035 Transportation Plan	SE 6 th Street from Maury Street to Indianola Avenue to widen from 2 lanes undivided to 3 lanes undivided			
Current Zoning District	"C-1A" Neighborhood Commercial Reuse District			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	2	4		
Outside Area				
Plan and Zoning Commission Action	Approval	12-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No

Neighborhood Development Corporation - 1938 SE 6th Street ZON2011-00113



Date _____

Agenda Item 23

Roll Call # _____

August 24, 2011

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held August 18, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-1 as follows:



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston			X	
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a request from Neighborhood Development Corporation (owner) represented by Heidi Wessels (officer), Part A) to find the proposed rezoning in conformance with the existing Des Moines' 2020 Community Character Plan Commercial: Pedestrian-Oriented Neighborhood Node designation; and Part B) to rezone property located at 1938 Southeast 6th Street from "C-1A" Neighborhood Commercial Reuse District to "NPC" Neighborhood Pedestrian Commercial District, to allow mixed use pedestrian commercial redevelopment subject to the following conditions:

ZON2011-00113

1. Prohibition of the following uses:

- a) billiard parlor/game room,
- b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
- c) financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity,
- d) gas stations/convenience stores,
- e) off-premises advertising signs,

- f) package goods stores for the sale of alcoholic beverages, and
 - g) taverns and nightclubs
 - h) tattoo parlor
2. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

Written Responses

- 2 In Favor
- 4 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan Commercial: Pedestrian-Oriented Neighborhood Node designation.

Part B) Staff recommends approval of the request subject to the following conditions:

- 1. Prohibition of the following uses:
 - a) billiard parlor/game room,
 - b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - c) financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity,
 - d) gas stations/convenience stores,
 - e) off-premises advertising signs,
 - f) package goods stores for the sale of alcoholic beverages, and
 - g) taverns and nightclubs.
- 2. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is proposing to rezone the subject property to allow development of a mixed-use building with 5,240 square feet of ground floor commercial space, 8 second floor dwelling units and 3 two-story dwelling units.

The applicant's original concept consisted of 6,240 square feet of commercial space, 10 second floor dwelling units and 3 two-story dwelling units. The applicant reduced the size of the building to address neighborhood concerns regarding parking and visibility at the east end of the building. A smaller building footprint allows the building to be set back further from the SE 6th Street intersections with Hillside Avenue and East Hartford Avenue.

Any development of the site will require approval of a site plan and building elevations by the Plan and Zoning Commission in accordance with the “NPC” Design Guidelines if the property is rezoned to the “NPC” District.

2. **Size of Site:** 24,474 square feet (0.56 acre).
3. **Existing Zoning (site):** “C-1A” Neighborhood Commercial Reuse District.
4. **Existing Land Use (site):** The site contains a vacant commercial building that has been used for vehicle repair.
5. **Adjacent Land Use and Zoning:**
 - North* – “R-3” & “C-1”; Uses are two 40-unit multiple-family buildings for seniors and a tavern.
 - South* – “C-1” & “R1-60”; Uses consist of a mix of commercial and single-family residential uses.
 - East* – “R1-60”; Use is the City of Des Moines’ Fire Station #6.
 - West* – “R1-60”; Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located within the neighborhood-commercial node located at the intersection of SE 6th Street and East Hartford Avenue. The surrounding area consists primarily of single-family dwellings.
7. **Applicable Recognized Neighborhood(s):** McKinley School/Columbus Park Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented Neighborhood Node.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **2020 Community Character Plan:** The subject property is located within an area designated as Commercial: Pedestrian-Oriented Neighborhood Node by the Des Moines’ 2020 Community Character Plan. This designation is described as areas developed in a fashion that balances the needs of the pedestrian and the convenience of the motorist. These developments are compact and walkable, and connect to adjacent areas via public streets and sidewalks. Neighborhood Nodes are further

described as small-scale commercial areas that primarily serve the needs of the adjacent neighborhood with a cumulative building area total of 25,000 to 50,000 square feet.

2. **NPC Design Guidelines:** The applicant has submitted a site sketch and building elevations to convey their design concept for the project. Should the property be rezoned to “NPC” District, a Site Plan and building elevations must be submitted for review and approval by the Plan and Zoning Commission under the following design guidelines applicable to development in the “NPC” District.
 - A) Buildings should frame the street and maintain a minimal setback from the street.
 - B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
 - C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
 - D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
 - E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
 - F) Building frontage should occupy at least 50 percent of the primary street frontage.
 - G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
 - a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
 - b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
 - c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
 - d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring nonduplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.
 - f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.

- g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

H) The following bulk regulations should be observed:

- a. Minimum lot area:
 - i. Single-family detached dwelling, 5,000 square feet.
 - ii. Single-family semidetached dwelling, 3,000 square feet.
 - iii. Two-family dwelling, 6,000 square feet.
 - iv. Multiple dwelling, 10,000 square feet.
 - v. Mixed-use project, 10,000 square feet.
 - vi. Shelter for the homeless, 8,000 square feet.
 - vii. No minimum requirement for permitted nonresidential uses.
- b. Minimum lot area per dwelling unit:
 - i. Row and multiple dwellings, 2,000 square feet.
 - ii. Shelter for the homeless, 300 square feet of lot size for each resident.
- c. Front yard: minimum of zero feet.
- d. Side yards: minimum of zero feet.
- e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
- f. Height: minimum of 15 feet, maximum of 45 feet.
- g. Number of stories:
 - i. Residential uses, a maximum of four stories.
 - ii. All other permitted uses, a maximum of two stories.
- h. Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

- 3. Site Plan Requirements:** Any future development of the site must conform to the City's site plan requirements, including those regarding storm water management, landscaping, and screening of adjoining residential properties. Site plans for property within the "NPC" District must be approved by the Plan and Zoning Commission.

Development of the site must be done in compliance with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

- 4. Parking & Access:** The submitted site sketch shows a 21-stall parking lot at the west end of the property with a driveway to Hillside Avenue to the north and a driveway to East Hartford Avenue to the south. The sketch also identifies 11 on-street parking spaces along East Hartford Avenue that adjoin the property. The "NPC" District allows on-street parking spaces to be counted towards meeting the parking requirement if they adjoin the subject property. The "NPC" District parking standards would require a total of 20 parking spaces for the proposed development. The parking standards for the "NPC" District are 40% less than the requirement for the "C" Districts, which would require 33 off-street parking spaces.

The applicant's original site sketch included 19 off-street parking space and 13 on-street parking spaces. In response to neighbors' concerns regarding parking, the applicant reduced the size of the building and increased the number of off-street

23

parking spaces. The original proposal would have required 25 spaces to comply with the “NPC” District parking requirements.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

CJ Stephens asked if tattoo parlors should be added to the list of prohibited uses.

Jason Van Essen stated that it could be if the Commission wanted. The applicant also has proposed covenants that prohibit uses that are more extensive than the City’s list. Jason asked the applicant if they have a problem with the additional prohibition of tattoo parlors. The applicant indicated no.

JoAnne Corigliano stated that she would also like to add adult entertainment added to the list of prohibited uses.

Jason Van Essen explained that adult entertainment is not a permitted use in “NPC” districts and that is why it was not included on the list.

Heidi Wessels, Executive Director of Neighborhood Development Corporation 210 Des Moines Street stated that they have held a total of five neighborhood meetings. One of the concerns other than parking and traffic was the proposed development was too large, so they took over a 1000 square feet out of the commercial and eliminated two apartments.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke regarding the applicant’s request

Jim Post 224 E. Livingston stated that he commends Heidi Wessels for the great job she has done to work with the neighbors and if the applicant’s zoning request is granted he would like the additional use restrictions suggested by Plan & Zoning members.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Will Page stated that the building design compliments the whole neighborhood.

COMMISSION ACTION:


JoAnne Corigliano moved that the proposed rezoning be found in conformance with the existing Des Moines’ 2020 Community Character Plan Commercial: Pedestrian-Oriented Neighborhood Node designation; and Part B) to approve the request to rezone the property from “C-1A” Neighborhood Commercial Reuse District to “NPC” Neighborhood Pedestrian Commercial District, to allow mixed use pedestrian commercial redevelopment subject to the following conditions:

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 - a) billiard parlor/game room
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 - e) off-premises advertising signs,
 - f) package goods stores for the sale of alcoholic beverages, and
 - g) taverns and nightclubs,
 - h) tattoo parlor
2. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

Motion passed 12-0-1 (Joel Huston abstained)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2011 00113

Date 6/28/2011 **23**

(am) (am not) in favor of the request.
(Circle One)

Print Name Hadi Wassels
RECEIVED
COMMUNITY DEVELOPMENT
Signature Hadi Wassels
JUN 30 2011 Address 1938 SE 6th, DSA

Reason for opposing or approving this request may be listed below:
DEPARTMENT

Item 2011 00113

Date 7-5-2011

(am) (am not) in favor of the request.
(Circle One)

Print Name Home, Inc.
RECEIVED
COMMUNITY DEVELOPMENT
Signature Pam Cannibal
JUL 07 2011 Address 1111-9th Street, DSM, IA
DEPARTMENT

Reason for opposing or approving this request may be listed below:

Home, Inc. is in favor of improving
this site to allow residents access
to more services and business.

Item 2011 00113 Date 7-3-2011

23

I (am) (am not) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT

Print Name CHARLES GONZALEZ

V-07

Signature Charles Gonzalez

DEPARTMENT

Address 449 E. Hillside Ave. DES MOINES
Iowa 50315

Reason for opposing or approving this request may be listed below:

I think in time the place will look like that place on
S.E. 6th & SCOTT ST. Started not too bad, Now it looks
like a car junkyard. Only difference this place sells used
tires. I invite you to take a look at the backyard
now. Tires & ruins all over the back of the
building

Item 2011 00113 Date 6-28-11

I (am) (am not) in favor of the request.

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT

Print Name Eaton Jennifer

Signature Jennifer Eaton

JUL 01 2011

Address 437 E Dunham Ave.

DEPARTMENT

1930 SE 6th 50315

Reason for opposing or approving this request may be listed below:

There is no need for additional stores
or restaurant besides you won't change
zoning for the other businesses to add
needed construction for business improvement.
Firehouse would like to build a patio cover
Zoning said no

Item 2011 00113 Date 6-28-11

23

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Patricia J Ragan

Signature Patricia J Ragan

JUL 01 2011

Address 509 Hartford Ave

DEPARTMENT

Reason for opposing or approving this request may be listed below:

because it will be right across the
Street with hardly any parking and
traffic in Area is bad enough.

Item 2011 0011344 Date 6/29/11

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name John A Brooks Sr

Signature John A Brooks Sr

JUN 30 2011

Address 2001 SE 6th St

DEPARTMENT

Reason for opposing or approving this request may be listed below:

I appose because I have a business and
another property at 2004 SE 6th Street. because
by the looks of the plan there won't be enough
parking. And I already have problems with people
parking in my lots when they are not suppose to
John A Brooks Sr